

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lila Akrad on April 28, 2006.

The application has been amended as follows: In the specification,

On page 65, in line ¹~~3~~, the recitation, --and inbred parent plants GE02793293 and GE02755498-- was inserted after "39F59". mja 5/30/06

On page 65, in line ³~~3~~, the recitation, --,_____, and _____, respectively-- was inserted after "ATCC Deposit No. _____". mja 5/30/06

On page 65, in line ¹¹~~13~~, the recitation, --and inbred parent plants GE02793293 and GE02755498-- was inserted after "hybrid maize 39F569". mja 5/30/06

On page 65, in line ¹³~~15~~, the recitation, --and inbred parent plants GE02793293 and GE02755498-- was inserted after "hybrid maize 39F569". mja 5/30/06

REQUIREMENT OF ALLOWANCE UNDER 37 CFR §§ 1.801-1.809

2. The deposit statement on page 65 of the specification, as amended above, is deemed in accordance with 37 CFR §§ 1.801-1.809. Therefore, no 35 USC § 112, 1st paragraph rejection has been made even though it is apparent that seed of hybrid maize plant 39F59 and inbred parent plants GE02793293 and GE02755498 are essential to the claimed invention and that their